

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
DAVID STEPHENS,

Petitioner,

-against-

SUPERINTENDENT,

Respondent.
-----X

NOTICE OF MOTION TO
FILE UNDER SEAL

04 Civ. 1443 (TJM GHL)

PLEASE TAKE NOTICE that, based on the need to protect the privacy of the complainant, a victim of a sex offense, and as required by New York Civil Rights Law § 50-b, which provides that "No report, paper, picture, photograph, court file or other documents, in the custody or possession of any public officer or employee, which identifies such a victim shall be made available for public inspection," respondent, Eliot Spitzer, will move this Court, at the United States Courthouse, Syracuse, New York, on April 21, 2005, or on submission at a time to be set by this Court, for an order to file the state court record, including the transcript, in the above captioned case under seal.

Dated: New York, NY
March 15, 2005

ELIOT SPITZER
Attorney General of the State of New York
Attorney for Respondent
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(212) 416-8624

By:
/s/ Luke Martland
Luke Martland
Assistant Attorney General

RECEIVING NO RESPONSE FROM
PETITIONER, AND FINDING GOOD CAUSE
EXISTS IN SUPPORT OF RESPONDENT'S
MOTION TO FILE UNDER SEAL, THAT
MOTION IS GRANTED.

SO ORDERED

George H. Lowe
George H. Lowe

U.S. Magistrate Judge

Dated: April 5, 2005

Syracuse, New York